

REVISED: February 1, 2010



City of YUMA

**CITY OF YUMA
REGULAR CITY COUNCIL MEETING **SUMMARY**
COUNCIL CHAMBERS – YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
WEDNESDAY, FEBRUARY 03, 2010
5:30 P.M.**

CALL TO ORDER 5:30 PM

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

FINAL CALL for submission of Speaker Request Forms

PRESENTATIONS

**PRESENTATIONS
MADE**

- Clean & Beautiful Commissions recognition of Desert Pride Community 4-H Club
- Recognition of City employees that assisted with the storm clean up

I. CALL TO THE PUBLIC

**NO LEGAL ACTION
PERMITTED**

Members of the public may address the City Council on matters that are not listed on the City Council agenda. The City Council cannot discuss or take legal action on any matter raised unless it is properly noticed for discussion and legal action. At the conclusion of the Call to the Public, individual members of the City Council may respond to criticism made by those who have addressed the City Council, may ask staff to review a matter or may ask that a matter be placed on a future agenda. All City Council meetings are recorded and videotaped.

II. MOTION CONSENT AGENDA

All items listed on the Motion Consent Agenda will be considered and enacted with one motion. There will be no separate discussion of these items unless a Councilmember so requests. In which event, the item will be removed from the Motion Consent Agenda and the vote or action will be taken separately.

A. Approval of minutes of the following City Council meeting(s):

- | | | |
|-----------------|---|-------------------|
| APPROVED | 1. Regular Worksession | November 17, 2009 |
| APPROVED | 2. Regular City Council Meeting (<i>continued from the Regular City Council Meeting of 1/20/2010</i>) | November 18, 2009 |
| APPROVED | 3. Regular City Council Meeting | December 2, 2009 |

B. Approval of Staff Recommendations:

Page Item

- | | |
|-----------------|---|
| | 1. Executive Sessions may be held at the next regularly scheduled Special Worksession, Regular Worksession and City Council Meeting for personnel, legal, litigation and real estate matters pursuant to A.R.S. § 38-431.03 Section A (1), (3), (4), and (7). (City Attorney) |
| APPROVED | 2. Liquor License: Clarion Suites Yuma

Approve a #6 Bar (Person Transfer/Interim Permit) Liquor License application submitted by Bonny Elaine Rhodes, agent for Yuma Yim Hotel, LLC dba Clarion Suites Yuma, 2600 S. 4th Avenue, Yuma, Arizona. (LL10-01) (City Administration/ City Clerk) |
| APPROVED | 3. Temporary Extension of Premises: LZ Bar and Grill

Approve an application for a Temporary Extension of Premises/Patio Liquor License Permit submitted by William Edward Malo, agent for LZ Bar & Grill, for a 3rd Annual Anniversary Party scheduled for April 16-18, 2010. The event will be held at 2175 S. Harley Drive, Yuma, Arizona. (EP10-01) (City Administration/City Clerk) |

APPROVED 4. Annual City Auction

Declare as surplus and authorize the disposal of certain City personal property and equipment at the annual public auction scheduled for February 27, 2010 or by online public auction. (Purchasing - Bid #2010000305)

APPROVED 5. Bid Award: 40th Street Water Transmission Line Phase II

Award to the lowest responsive/responsible bidder for 40th Street Water Transmission Line Phase II project at a total cost of \$2,709,537.05 to: DPE Construction, Yuma, Arizona. (City Engineering Department - Bid #2010000191)

APPROVED 6. Intergovernmental Agreement: City of Somerton

Authorize the execution of an Intergovernmental Agreement (IGA) with the City of Somerton for traffic signal operation, maintenance, and emergency repair at four locations in Somerton, Arizona. (City Engineering/Administration)

SUGGESTED MOTION: To approve the MOTION CONSENT AGENDA as recommended:

M/_____ S/_____ VV/_____

III. BID PROTEST HEARING / BID AWARD

Bid Protest Hearing pursuant to the Yuma City Code 36-55, and Bid Award for the Fire Department Pre-Engineered Training Tower and Burn Building.

**BID HEARING
HELD—
PROTEST
DENIED**

Bid Protest Hearing: Fire Department Pre-Engineered Training Tower and Burn Building - Pursuant to Yuma City Code Section §36-55

Hearing on bid protest for Fire Department Pre-Engineered Training Tower and Burn Building. (City Engineering Department - Bid # 2008000328)

**BID AWARDED
TO DPE
CONSTRUCTION,
INC.**

Bid Award: Fire Department Pre-Engineered Training Tower and Burn Building

Staff recommends award of the bid for the construction of the Fire Department Pre-Engineered Training Tower and Burn Building to the lowest responsive, responsible bidder, as determined in the Bid Protest Hearing, either to DPE Construction, Inc., for \$1,203,840.00, or to Eckard Commercial Construction, Inc., for \$1,221,310.20 (City Engineering Department - Bid #2008000328).

M/_____ S/_____ VV/_____

III. RESOLUTION CONSENT AGENDA

All items listed on the Resolution Consent Agenda will be considered and enacted with one motion. There will be no separate discussion of these items unless a City Councilmember so requests or a Speaker Request Form has been submitted. In which event, the item will be removed from the Resolution Consent Agenda and the vote or action will be taken separately.

ADOPTED A. Resolution R2010-05 Transportation Development Fee Credit Agreement: Saguaro Unit No.1

Approve the Transportation Development Fee Credit Agreement with the Owner and Developer of the Saguaro Unit No. 1 Subdivision. (City Engineering/Engineering)

SUGGESTED MOTION: To adopt the RESOLUTION CONSENT AGENDA as recommended:

M/_____ S/_____ RV/_____

IV. ADOPTION OF ORDINANCES CONSENT AGENDA

All items listed on the Ordinances Consent Agenda will be considered and enacted with one motion. There will be no separate discussion of these items unless a City Councilmember so requests or a Speaker Request Form has been submitted. In which event, the item will be removed from the Ordinance Consent Agenda and the vote or action will be taken separately.

ADOPTED A. Ordinance O2010-09 Zoning Code Text Amendment: Correct the word "signing" with the word "signage"

Amend the City of Yuma Zoning Code, Title 15, Chapter 154, Sections 173, 273, 277, and 415-421, to correct the word "signing" with the word "signage". (Community Development/Community Planning)

ADOPTED B. Ordinance O2010-10 Zoning Code Text Amendment: Zoning District Boundary Lines

Approve the Zoning Code Text Amendment to amend Title 15, Chapter 154, Section 002(B)(2), to allow zoning districts to automatically extend to the centerline of contiguous rights-of-way. The applicant is the City of Yuma. (Z2009-017) (Community Development/Community Planning)

ADOPTED C. Ordinance O2010-12 Zoning Code Text Amendment: Cielo Verde Specific Plan

Amend the City of Yuma Zoning Code, Title 15, Chapter 154-002 (A)(3)(a) adopting "The Cielo Verde Specific Plan" by reference, amending the Cielo Verde Specific Plan Residential District Primary Uses to allow a religious institution including related buildings and activities. (Z2009-022) (Community Development/Community Planning)

ADOPTED D. Ordinance O2010-13 Right-of-Way Acquisition: 12th Street, Lot 237 of Magnolia Village Unit No. 3

Authorize the acquisition of Lot 237 of Magnolia Village Unit No. 3 for 12th Street widening and reconstruction, between Avenue B and Avenue A. (City Engineering/Administration)

SUGGESTED MOTION: To adopt the ORDINANCES CONSENT AGENDA as recommended:

M/_____ S/_____ RV/_____

V. INTRODUCTION OF ORDINANCES

The following ordinance(s) is presented to the City Council for introduction. No vote or action by the City Council is necessary. However, the City Council may, at its option, vote or take action where appropriate. Ordinances given introduction are generally

presented to the City Council for adoption at the next Regular City Council meeting.

**INTRODUCED
AS
AMENDED**

A. Ordinance O2010-11 Zoning Code Text Amendment: Allow several commercial uses as permitted uses in the Light Industrial (L-I) District

Approve the Zoning Code Text Amendment. Amend Title 15, Chapter 154, Section 331, Permitted Uses in the Light Industrial (L-I) District, to allow several commercial uses as permitted uses. The applicant is Wayne C. Benesch, on behalf of Ingold Family Investments, LLC. (Z2009-021) (Community Development/Community Planning)

VI. PUBLIC HEARINGS & RELATED ACTIONS

There are no Public Hearings scheduled at this time.

VII. PALO VERDE WALL

DISCUSSED

City Council discussion, deliberation and possible direction to City staff regarding the Palo Verde Wall, located west of Wal-Mart on Palo Verde Street.

VIII. ANNOUNCEMENTS AND SCHEDULING

Discussion and possible action on the following items:

1. Announcements:

**NOT
REPORTED**

- City Council report on meetings/events attended – City Council report on issues discussed in meetings/events attended by a City Council representative in their official capacity as the City's representative during the period of January 20, 2010 through February 3, 2010. City Council questions regarding the update must be limited solely for clarification purposes. If further discussion is warranted, the issue will be added to a future agenda for a detailed briefing.
- City Council report of upcoming meetings.
- City Council request for agenda items to be placed on future agendas.

2. Scheduling: Motion to schedule future City Council meetings pursuant to Arizona Revised Statutes Section 38-431.02 and the Yuma City Code, Chapter 30.

IX. SUMMARY OF CURRENT EVENTS

**NOT
REPORTED**

This is the City Administrator's opportunity to give notice to the City Council of current

events impacting the City. Comments are intended to be informational only and no discussion, deliberation or decision will occur on this item.

X. EXECUTIVE SESSION

**EXECUTIVE
SESSION NOT
HELD**

An Executive Session may be held during this meeting to discuss pending Legal/Personnel/Real Estate matters. An Agenda will be posted 24 hours in advance.

ADJOURNMENT 8:54 PM

In accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 the City of Yuma does not discriminate on the basis of disability in the admission of or access to, or treatment or employment in, its programs, activities, or services. For information regarding rights and provisions of the ADA or Section 504, or to request reasonable accommodations for participation in City programs, activities, or services contact: ADA/Section 504 Coordinator, City of Yuma Human Resources Department, One City Plaza, PO Box 13012, Yuma, Arizona 85366-3012; (928) 373-5125 or TTY (928) 373-5149.